

Notice of Allowability

Application No.

10/804,245

Examiner

Cindy D. Khuu

Applicant(s)

GRAY ET AL.

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2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/18/04 & 8/8/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION***Pertinent Art Cited***

The following US Patent Applications reveal the current state of the art:

Aoki et al. (US 2002/0185318) teach a method of indicating occupancy status of a vehicle seat based on a measure of seated weight (Paragraph 1), comprising the steps of: applying the measure of seated weight to a low-pass filter function having an adjustable time constant to form a filtered weight (Paragraph 79); establishing a weight threshold (Paragraph 12); setting said adjustable time constant to a first value that provides relatively fast tracking of the measure of seated weight by the filtered weight (Paragraph 14); and setting said adjustable time constant to a second value that is lower than said first value to provide relatively slow tracking of the measure of seated weight by the filtered weight (Paragraph 12).

However, Aoki does not teach at least setting said adjustable time constant to a first value that provides relatively fast tracking of the measure of seated weight by the filtered weight when at least one of the measure of seated weight and the filtered weight are outside said band; and setting said adjustable time constant to a second value that is lower than said first value to provide relatively slow tracking of the measure of seated weight by the filtered weight when the measure of seated weight and the filtered weight are both within said band.

Fortune et al. (US 6,012,007) teach a method of indicating occupancy status of a vehicle seat based on a measure of seated weight (Column 1, lines 52-55), comprising the steps of: applying the measure of seated weight to a low-pass filter function having an adjustable time constant to form a filtered weight (48 and 50; Column 4, lines 24-26); and establishing a weight threshold (Column 4, lines 42-44).

However, Fortune does not teach at least setting said adjustable time constant to a first value that provides relatively fast tracking of the measure of seated weight by the filtered weight when at least one of the measure of seated weight and the filtered weight are outside said band;

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and setting said adjustable time constant to a second value that is lower than said first value to provide relatively slow tracking of the measure of seated weight by the filtered weight when the measure of seated weight and the filtered weight are both within said band.

Allowable Subject Matter

Claims 1-4 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claim 1 is the inclusion of the limitation "setting said adjustable time constant to a first value that provides relatively fast tracking of the measure of seated weight by the filtered weight when at least one of the measure of seated weight and the filtered weight are outside said band; and setting said adjustable time constant to a second value that is lower than said first value to provide relatively slow tracking of the measure of seated weight by the filtered weight when the measure of seated weight and the filtered weight are both within said band". The prior art of record, taken alone or in combination, fails to disclose or render obvious.

Claims 2-4 are allowed due to their dependency on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Fax/Telephone Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy D. Khuu whose telephone number is (571) 272-8585. The examiner can normally be reached on M-F, 7:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr 5/24/06


John Barlow
Supervisory Patent Examiner
Technology Center 2800